

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Criminal No. 5:06-CR-277-FL
Civil No. 5:12-CV-722-FL

ELIJAH SMITH, III,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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O R D E R

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED, this the 9th day of November, 2012.



LOUISE W. FLANAGAN
United States District Judge